

MONTANA LEGISLATIVE HISTORY

Chapter 176 19

Bill H 142 S Original bill & history ☒ C

H. Committee on Appropriations

S. Committee on Finance & Claims

Hearing Date(s) 1-20 C

Hearing Date(s) 2-28 C

2-3 C

3-2 C

 C

 C

 C

 C

Date Out 2-3 C

DATE out 3-2

ryt 2-6

ryt 3-2

Did this bill originate in an interim committee? Yes No

Committee

Report

3/13 RETURNED TO HOUSE
 SIGNED BY SPEAKER
 3/14 SIGNED BY PRESIDENT
 3/14 TRANSMITTED TO GOVERNOR
 3/17 SIGNED BY GOVERNOR
 CHAPTER NUMBER 158
 EFFECTIVE DATE: 03/17/95—SECTIONS 1, 2 & 4-10
 EFFECTIVE DATE: 01/01/96—SECTION 3

HB 142 INTRODUCED BY SOMERVILLE
 PROVIDE FOR RESPONSE TO INCIDENTS BY DISASTER AND EMERGENCY
 SERVICES PERSONNEL
 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO APPROPRIATIONS		
1/12	FISCAL NOTE REQUESTED		
1/18	FISCAL NOTE RECEIVED		
1/18	FISCAL NOTE PRINTED		
1/20	HEARING		
2/06	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/07	2ND READING PASSED	81	19
2/08	3RD READING PASSED	83	15
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO FINANCE & CLAIMS		
2/28	HEARING		
3/03	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/04	2ND READING CONCURRED	42	1
3/06	3RD READING CONCURRED	47	2
	RETURNED TO HOUSE WITH AMENDMENTS		
3/08	2ND READING AMENDMENTS CONCURRED	90	9
3/09	3RD READING AMENDMENTS CONCURRED	89	10
3/11	SIGNED BY SPEAKER		
3/15	SIGNED BY PRESIDENT		
3/17	TRANSMITTED TO GOVERNOR		
3/21	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 176		
	EFFECTIVE DATE: 10/01/95		

HB 143 INTRODUCED BY PAVLOVICH, ET AL.
 REQUIRE COUNTIES TO ESTABLISH A FUND FOR DISTRICT COURT
 RECORDS RETENTION, PRESERVATION, AND TECHNOLOGY
 BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

1/11	INTRODUCED		
1/11	FIRST READING		
1/11	REFERRED TO TAXATION		
1/12	FISCAL NOTE REQUESTED		
1/16	FISCAL NOTE RECEIVED		
1/17	FISCAL NOTE PRINTED		
1/18	HEARING		
1/20	REVISED FISCAL NOTE RECEIVED		
1/20	REVISED FISCAL NOTE PRINTED		
1/27	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/30	2ND READING PASSED	59	40
1/30	TAKEN FROM 3RD READING AND REREFERRED TO APPROPRIATIONS		
3/15	HEARING		

1
2 INTRODUCED BY House BILL NO. 142
3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND
6 EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY
7 APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND
8 AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, AND 17-7-502,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 **Section 1.** Section 10-3-103, MCA, is amended to read:

14 **"10-3-103. Definitions.** As used in parts 1 through 4 of this chapter, the following definitions
15 apply:

16 (1) "Civil defense" means the nuclear preparedness functions and responsibilities of disaster and
17 emergency services.

18 (2) "Department" means the department of military affairs.

19 (3) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury,
20 or loss of life or property resulting from any natural or man-made cause, including tornadoes, windstorms,
21 snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides,
22 volcanic action, fires, explosions, ~~or~~ air or water contamination requiring emergency action to avert danger
23 or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption
24 of state services, or accidents involving radiation byproducts or other hazardous materials.

25 (4) "Disaster and emergency services" means the preparation for and the carrying out of disaster
26 and emergency functions and responsibilities, other than those for which military forces or other state or
27 federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and
28 damage resulting from emergencies or disasters.

29 (5) "Division" means the division of disaster and emergency services of the department ~~of military~~
30 ~~affairs~~.

(6) "Emergency" means the imminent threat of a disaster causing immediate peril to life or property ~~which~~ that timely action can avert or minimize.

(7) "Incident" means an event or occurrence, caused by either an individual or by natural phenomena, requiring action by disaster and emergency services personnel to prevent or minimize loss of life or damage to property or natural resources. The term includes the imminent threat of an emergency, but the term does not include a state of emergency or disaster declared by the governor pursuant to 10-3-302 or 10-3-303.

~~(7)~~ (8) "Political subdivision" means any county, city, town, or other legally constituted unit of local government in this state.

~~(8)~~ (9) "Principal executive officer" means the mayor, ~~chairman~~ presiding officer of the county commissioners, or other chief executive officer of a political subdivision.

~~(9)~~ (10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings."

Section 2. Section 10-3-104, MCA, is amended to read:

"10-3-104. General authority of the governor. (1) The governor is responsible for carrying out parts 1 through 4 of this chapter.

(2) In addition to any other powers conferred upon the governor by law, ~~he~~ the governor may:

(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

(b) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if ~~he~~ the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(c) control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises ~~therein~~ within the area.

(3) Under this section, the governor may issue executive orders, proclamations, and regulations and amend and rescind them. All executive orders or proclamations declaring or terminating a state of emergency or disaster ~~shall~~ must indicate the nature of the emergency or disaster, the area threatened, and

1 the conditions ~~which~~ that have brought about the declaration or ~~which~~ that make possible termination of
2 the state of emergency or disaster."

3
4 **Section 3.** Section 10-3-105, MCA, is amended to read:

5 **"10-3-105. Division of disaster and emergency services -- duties.** (1) A division of disaster and
6 emergency services is established in the department ~~of military affairs~~. The division ~~shall~~ must have an
7 administrator and other professional, technical, secretarial, and clerical employees as necessary for the
8 performance of its functions.

9 (2) The department ~~of military affairs~~ through the division of disaster and emergency services is
10 responsible to the governor for carrying out the planning and program for disaster and emergency services
11 of this state.

12 (3) The division shall prepare and maintain a comprehensive plan and program for disaster and
13 emergency services of this state. The plan and program ~~shall~~ must be coordinated with the disaster and
14 emergency plans and programs of the federal government, other states, political subdivisions, and Canada
15 to the fullest extent possible.

16 (4) The division shall:

17 (a) coordinate the preparation of the plan and program for disaster and emergency services with
18 the political subdivisions of this state;

19 (b) coordinate disaster and emergency prevention and preparation activities of all departments,
20 agencies, and organizations within the state;

21 (c) advise and assist the political subdivisions of this state in executing their disaster and
22 emergency services responsibilities;

23 (d) make recommendations on the formation of interjurisdictional disaster and emergency services
24 areas when individual political subdivisions are unable to fully and adequately mount an effective local
25 program ~~due to~~ because of limitations of funding, ~~manpower~~ personnel, or other reasons;

26 (e) make surveys of industries, resources, and facilities within the state, both public and private,
27 as are necessary to carry out the purposes of parts 1 through 4 of this chapter;

28 (f) periodically review local and interjurisdictional plans and programs for disaster and emergency
29 services;

30 (g) develop or assist in the development of mutual aid plans and agreements between the federal

- 1 government, other states, and Canada and among the political subdivisions of this state;
- 2 (h) plan and make arrangements for the availability and use of any private facilities, services, and
- 3 property and, if necessary and if in fact used, provide for payment for use under terms and conditions
- 4 agreed upon;
- 5 (i) institute training and public information programs and take all other preparatory steps, including
- 6 the partial or full mobilization of disaster and emergency services organizations in advance of an actual
- 7 incident, emergency, or disaster, to ~~insure~~ ensure the availability of adequately trained and equipped
- 8 personnel in time of an incident, emergency, or disaster;
- 9 (j) direct emergency response and disaster preparation activities as authorized by the governor;
- 10 (k) direct disaster response and recovery activities as authorized by the governor;
- 11 (l) prepare, for issuance by the governor, executive orders or proclamations as necessary or
- 12 appropriate in coping with incidents, emergencies, and disasters;
- 13 (m) maintain liaison with and cooperate with disaster and emergency services agencies and
- 14 organizations of the federal government, other states, and Canada in achieving any purpose of parts 1
- 15 through 4 of this chapter and in implementing programs for disaster prevention, preparation, response, and
- 16 recovery; and
- 17 (n) ~~have~~ assume any additional authority, duties, and responsibilities authorized by parts 1 through
- 18 4 of this chapter as may be prescribed by the governor."

19

20 **Section 4.** Section 10-3-111, MCA, is amended to read:

21 "10-3-111. **Personnel immune from liability.** (1) Neither the state nor any political subdivision of

22 the state nor the agents or representatives of the state or any political subdivision ~~thereof~~ of the state are

23 liable for personal injury or property damage sustained by any person appointed or acting as a volunteer

24 civilian defense worker or member of any agency engaged in civilian defense activity during a an incident,

25 disaster, or ~~catastrophe~~ emergency. This section does not affect the right of any person to receive benefits

26 or compensation to which ~~he~~ the person might otherwise be entitled under the workers' compensation law

27 or any pension law or any act of congress.

28 (2) Neither the state nor any political subdivision of the state nor, except in cases of willful

29 misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any

30 political subdivision ~~thereof~~ of the state nor any volunteer or auxiliary civilian defense worker or member

1 of any agency engaged in civilian defense activity during a an incident, disaster, or ~~catastrophe~~ emergency,
2 nor the owners of facilities used for civil defense shelters, pursuant to a fallout shelter license or privilege
3 agreement and while complying with or reasonably attempting to comply with parts 1 through 4 of this
4 chapter or any order or rule promulgated under the provisions of parts 1 through 4 of this chapter or
5 pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political
6 subdivisions of the state, are liable for the death of or injury to persons or for damage to property as a
7 result of any such activity."

8
9 **Section 5.** Section 10-3-301, MCA, is amended to read:

10 **"10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and
11 program may provide for:

- 12 (a) prevention and minimization of injury and damage caused by disaster;
- 13 (b) prompt and efficient response to an incident, emergency, or disaster;
- 14 (c) emergency relief;
- 15 (d) identification of areas particularly vulnerable to disasters;
- 16 (e) recommendations for preventive and preparedness measures designed to eliminate or reduce
17 disasters or their impact;
- 18 (f) organization of ~~manpower~~ personnel and chains of command;
- 19 (g) coordination of federal, state, and local disaster and emergency activities; and
- 20 (h) other necessary matters.

21 (2) In preparing and maintaining the state disaster and emergency plan and program, the division
22 may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and
23 volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the
24 division may encourage them to seek advice from these sources."

25
26 **Section 6.** Section 10-3-305, MCA, is amended to read:

27 **"10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of
28 emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available
29 for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or
30 assign command authority by prior arrangement embodied in the state disaster and emergency plan and

1 program and appropriate executive orders.

2 (2) The governor shall ~~utilize~~ use the services and facilities of the existing officers and agencies
3 of the state, and all officers and agencies shall cooperate with and extend their services and facilities to
4 the governor as ~~he~~ the governor may request in the carrying out of the purposes of parts 1 through 4 of
5 this chapter."

6
7 **NEW SECTION. Section 7. Incident response -- authority -- appropriation -- expenditures --**
8 **recovery -- rules.** (1) The governor may by executive order activate that part of the state disaster and
9 emergency plan pertaining to incident response. The order may be issued for any year, for any part of a
10 year, or upon occurrence of an incident.

11 (2) Upon approval of an executive order pursuant to this section:

12 (a) that part of the state disaster and emergency plan pertaining to incidents becomes effective;

13 (b) the division may use any of the resources usable by the division during a state of emergency
14 or disaster to respond to the incident; and

15 (c) there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, and the
16 governor is authorized to expend from the general fund an amount not to exceed \$10,000 per incident and
17 not to exceed \$100,000 for incidents in a biennium.

18 (3) The governor may authorize the incurring of liabilities and expenses to be paid as other claims
19 against the state from the general fund, in the amount necessary, upon activation of the incident response
20 portion of the state disaster and emergency plan. Money appropriated by this section may be used only
21 for incident response costs of the state and may not be used to reimburse a local government for incident
22 response costs incurred by that local government.

23 (4) In the event of recovery of money expended pursuant to this section, the spending authority
24 must be reinstated to the level reflecting the recovery.

25 (5) The department may adopt rules to implement this section.

26
27 **Section 8.** Section 17-7-502, MCA, is amended to read:

28 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
29 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
30 without the need for a biennial legislative appropriation or budget amendment.

1 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
2 with both of the following provisions:

3 (a) The law containing the statutory authority must be listed in subsection (3).

4 (b) The law or portion of the law making a statutory appropriation must specifically state that a
5 statutory appropriation is made as provided in this section.

6 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
7 2-18-812; 3-5-901; 5-13-403; 10-3-203; [section 7]; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
8 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
9 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
10 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
11 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
12 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
13 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
14 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
15 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
16 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
17 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

18 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
19 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
20 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
21 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
22 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
23 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
24 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
25 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
26 July 1, 1995.)"

27
28 **NEW SECTION. Section 9. Codification instruction.** [Section 7] is intended to be codified as an
29 integral part of Title 10, chapter 3, part 3, and the provisions of Title 10, chapter 3, part 3, apply to
30 [section 7].

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0142, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

bill providing for response to incidents by disaster and emergency services personnel; defining "incident"; providing a statutory appropriation; and authorizing the Department of Military Affairs to adopt rules.

ASSUMPTIONS:

1. There is no increase in the disaster fund statutory appropriation provided for in 10-3-312, MCA.
2. The Governor may, by executive order, pre-delegate the activation of the state disaster and emergency plan pertaining to incident response.
3. General fund expenditures for state response to incidents may not exceed \$10,000 per incident and may not exceed \$100,000 for all incidents in a biennium. The statutory appropriation is provided to the Governor's Office.
4. If there is a recovery of money expended pursuant to responding to an incident, the recovered amount will be deposited to the general fund and the spending authority for incident response will be reinstated to the level of the recovery.
5. Money appropriated by this section may only be used for incident response costs of the state.
6. Funds from this section may not be used to reimburse a local government for incident response costs incurred by that local government.
7. By providing quicker response to local incidents, the potential fiscal impacts of emergencies may be lessened. The amount of the potential reduction in state and local expenditures is not subject to reasonable estimate.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
Operating expenses	50,000	50,000
General Fund (01)	50,000	50,000

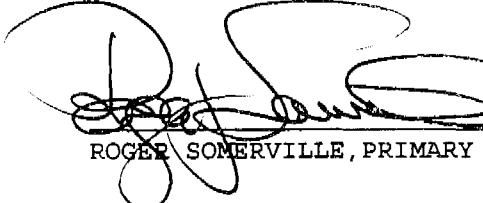
EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

By providing quicker state response to local incidents, the potential fiscal impacts of emergencies may be lessened. The amount of the potential reductions in local government expenditures is not subject to reasonable estimate.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Timely responses to local incidents could minimize further escalation so the incidents do not become disasters or emergencies and reduce the fiscal impacts in future biennia.

 1-17-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 18 JAN 95
ROGER SOMERVILLE, PRIMARY SPONSOR DATE
Fiscal Note for HB0142, as introduced

HB 142

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on January 20, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)
Rep. Joe Quilici, Vice Chairman (Minority) (D)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger Debruycker (R)
Rep. Gary Feland (R)
Rep. Marjorie I. Fisher (R)
Rep. Don Holland (R)
Rep. Royal C. Johnson (R)
Rep. John Johnson (D)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Matt McCann (D)
Rep. William T. "Red" Menahan (D)
Rep. Steve Vick (R)
Rep. William R. Wiseman (R)

Members Excused: None.

Members Absent: None.

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Marjorie Peterson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 142, HB 222, HB 224
Executive Action: HB 16 DO PASS AS AMENDED

HEARING ON HB 142Opening Statement by Sponsor:

REP. ROGER SOMERVILLE, HD 78, Kalispell, opened the hearing on HB 142 which deals with creating a disaster and emergency fund for incidents to be used to prevent or minimize loss of life or damage to property or natural resources. This bill would provide a separate appropriation for such incidents. Current law requires the Governor to declare a disaster or emergency before these funds can be used. As a side note, REP. SOMERVILLE noted that the wording had been changed on the bill throughout where "he" was used before, the words now are "the governor" in the event a woman is governor in the future. A new section had also been added which deals with incident response. REP. SOMERVILLE stated the bottom line is the Governor can delegate up to \$10,000 per incident/up to \$100,000 per biennium for the state to respond to local government requests for assistance in emergencies. These funds would be used for state costs and not used to reimburse local governments for their costs for normal aid. For example, state costs may include the National Guard or other resources needed. He also noted that recovery costs would not be authorized under this bill. Local government requests could include hazardous material recovery as well as transporting hazardous material from one county to another. To define disaster, REP. SOMERVILLE noted that it would include the threat of severe damage, injury, or loss of life or property resulting from occurrences such as tornados, floods, earthquakes, fires, or other emergency situations. EXHIBIT 1.

{Tape: 1; Side: A; Approx. Counter: 8.1.}

Proponents' Testimony:

Jim Greene, Administrator, Disaster and Emergency Services, Department of Military Affairs, Helena, stated this bill allows the state to more properly assist in incidents at the request of local government. This bill is two-fold in that it defines the word "incident" and gives authority to the Governor to authorize local disaster emergency responses of up to \$100,000 per biennium. There are many unknowns in an emergency situation and time is critical. The ultimate result of a quick response can be a reduction of lives lost, a reduction of personal property loss, and a savings to taxpayers by reducing problems. Mr. Greene referred to a situation last summer where the Libby water supply was in jeopardy when a helicopter crashed in the lake. There were materials stored in Missoula that had to be flown up to Libby. Mr. Greene also noted that his department has the usual change in staff and that it can take several years to train staff with enough experience for damage assessment and procedures. In summary, he reiterated that this bill allows them to be more

responsive to local governments and that the Governor also supports this bill. **EXHIBITS 2 and 3.**

Chuck O'Reilly, Sheriff of Lewis and Clark County, and representing the Montana Sheriffs and Peace Officers Association, Helena, handed out an amendment to the bill which stated that the official response should be requested by the local governing body where the incident occurs. They fully support this bill with the amendments. **EXHIBIT 4.**

James Lofftuc, President, Montana Fireman Association, stated that his association also supports this bill.

John Allhands, Madison County DES Coordinator, likes the bill as it would speed up actions by the state. It now can take up to two to three days for a response in some locations, depending on the seriousness of the incident. He feels that response time is a vital part of this bill.

Major Loren Oelkers, Military Support Officer, Army National Guard, stated his department is in favor of this proposal. The legislation has little effect on the National Guard since the Guard can sometimes be the last responder in certain situations.

Opponents' Testimony:

None.

{Tape: 1; Side: A; Approx. Counter: 18.1.}

Questions From Committee Members and Responses:

REP. ROYAL JOHNSON, HD 10, Billings, asked **Mr. Greene** about the general funding expenditures and noted that the Governor has his emergency budget already. **REP. JOHNSON** wanted to know if the Governor could take up to \$10,000 out of the general fund rather than take it out of the emergency budget. **Mr. Greene's** understanding is that the Governor cannot take the money out of the emergency budget. **REP. JOHNSON** asked for clarification on Item 3 of the amendment which stated the amount could not exceed \$500,000 in a biennium. **Mr. Greene** stated the Governor has the authority to spend the general fund appropriation up to \$2 million. This bill would allow him to delegate appropriations for an incident up to \$10,000, not to exceed the \$2 million.

REP. BETTY LOU KASTEN, HD 99, Brockway, asked if five major incidents were to occur which totaled \$100,000, would the sixth one be ignored. **Mr. Greene** said if some of the money was spent earlier it is possible they would have recouped it already from the responsible parties. If there were 11 incidents and ran out of money, the Governor would have to declare an emergency or disaster. In general, the cities and counties are handling 99

percent of their incidents without further assistance at this time. **REP. KASTEN** then asked if he had the money and an emergency was declared, the definition could be in the law without making a specific appropriation in the statute. **Mr. Greene** said they took a more conservative approach and didn't expect to exceed the \$100,000 in a biennium. **REP. KASTEN** then asked if the Governor could exceed his authority to decide incidents on only the definition. **Mr. Greene** answered that the Governor could declare any incident an emergency. What this bill does is allows the response teams to get a jump start without having to go through that process. The Governor can delegate to the department at the beginning of the year for any future incidents that might occur.

{Tape: 1; Side: A; Approx. Counter: 23.3.}

Closing by Sponsor:

REP. SOMERVILLE closed by stating that this bill is needed to allow the Department of Emergency Services to respond to local governments in emergency situations or incidents that might lead to a disaster.

HEARING ON HB 222

Opening Statement by Sponsor:

REP. DIANE WYATT, HD 43, Great Falls, introduced HB 222 which authorizes the issuance of child health and protection license plates. The fees from these plates would be distributed to the MIAMI project, the Montana Initiative for Abatement of Mortality in Infants. Some of these infants have low birth weight, some are the victims of alcohol and drug abuse. This bill was proposed to **REP. WYATT** by the American Association of University Women and the Junior League across the United States and would donate \$20 per year per plate for the benefit of this project.

{Tape: 1; Side: A; Approx. Counter: 30.2.}

Proponents' Testimony:

Joanne Dawson, Nurse for the MIAMI Project, thanked **REP. WYATT** for bringing this issue before the legislature. They have written a full report on the MIAMI project and could make it available to all the members of the House and Senate.

Bud Schoen, Chief, Motor Vehicle Division, stated that they would be doing all the work on these license plates and fully support the bill.

HOUSE OF REPRESENTATIVES

Appropriations

ROLL CALL

DATE 1-20-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Zook, Chairman	✓		
Rep. Ed Grady, Vice Chairman, Majority	✓		
Rep. Joe Quilici, Vice Chairman, Minority	✓		
Rep. Beverly Barnhart	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruycker	✓		
Rep. Gary Feland	✓		
Rep. Marj Fisher	✓		
Rep. Don Holland	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Matt McCann	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Rep. Bill Wiseman	✓		

EXHIBIT 1
DATE 1-20-95
HB 142

Amendments to House Bill No. 142
First Reading Copy

Requested by Rep. Somerville
For the Joint Subcommittee

Prepared by David S. Niss
January 18, 1995

1. Title, line 8.
Following: "10-3-305,"
Insert: "10-3-312,"

2. Page 6.
Following: line 5
Insert: "Section 7. Section 10-3-312, MCA, is amended to read:
"10-3-312. Maximum expenditure by governor --
appropriation. (1) (a) Whenever an emergency or disaster is
declared by the governor, there is statutorily appropriated to
the office of the governor, as provided in 17-7-502, and the
governor is authorized to expend from the general fund, an amount
not to exceed \$2 million in any biennium, minus any amount
appropriated pursuant to [section 8] in the same biennium.
(b) Whenever an emergency or disaster due to fire is
declared by the governor, there is statutorily appropriated to
the office of the governor, as provided in 17-7-502, and the
governor is authorized to expend from the general fund, an amount
not to exceed \$3 million in any biennium. The amount appropriated
in this subsection (b) may be combined with the amount
appropriated in subsection (1)(a) for an emergency or disaster
due to fire.

(2) In the event of the recovery of money expended under
this section, the spending authority must be reinstated to a
level reflecting the recovery.

(3) If a disaster is declared by the president of the
United States, there is statutorily appropriated to the office of
the governor, as provided in 17-7-502, and ~~he~~ the governor is
authorized to expend from the general fund, an amount not to
exceed \$500,000 during the biennium to meet the state's share of
the individual and family grant programs as provided in 42 U.S.C.
5178."

{ Internal References to 10-3-312:
x10-3-101 x17-7-502 }

Renumber: subsequent sections

3. Page 7, line 7.
Strike: "7"
Insert: "8"

4. Page 7, lines 28 and 30.
Strike: "7"
Insert: "8"

January 20, 1995

FC 061

Mr. Chairman and Members of the Committee, I am Jim Greene, Administrator of the Disaster and Emergency Services, Department of Military Affairs.

This bill essentially allows the State to more rapidly assist or help with an assessment of a local emergency, at the request of local government.

A. The bill does this by:

1. Adding a definition of an "incident" (Page 2, Line 3).
2. Giving authority to the Governor to pre-delegate and pre-authorize the Department of Military Affairs (DMA), Disaster and Emergency Services Division (DES) to respond by committing up to \$10,000 per incident or \$100,000 per biennium out of the Governor's existing \$2,000,000 authority.

B. Why do we want to do this?

1. Title 10 law encourages us to be proactive, but there is no funding mechanism unless the Governor declares an emergency or disaster.

2. During emerging incidents there are many unknowns and time becomes critical. It is true that sometimes when the situation is done and over with, all the resources were not needed, but if you hesitate and the situation becomes worse, then you are behind the power curve and may never catch up. The ultimate results of a quick response are reduction of lives lost, reduction of property or environmental damage, and a savings of dollars to the tax payers.

As seen in Japan right now, a perceived hesitation by government is creating problems. It is our goal that State hesitation/bureaucracy is not a contributor to an emergency.

3. A few examples of how we might use this authority are:
 - a. To fly hazmat cleanup materials to a county. Trying to figure out who is responsible to pay for the transportation may take hours or days. We would commit the dollars and bill the responsible party later. This situation happened in Libby this last summer.

- b. 10-20% of local DES coordinators change every year.

To fully understand declaration procedures at the local, State and Federal level usually takes several years of training and experience. If a county had a flood we might send one of our staff, at local governments request, to assist with damage assessment and moving through the declaration process.

- C. Local government reports 250-300 incidents to our office per year. About 200 of these are hazardous materials incidents. We would expect 1 to 3 of all these incidents might result in us using this authority. A key point to this is that priority for State assistance is to use:

- 1) State agencies or adjacent willing counties.
- 2) Private contractors.
- 3) National Guard

If expenses look like they may approach \$10,000 or the county is looking to obtain financial assistance, then the normal declaration by the Governor would be required.

D. Summary.

This bill allows us to be more responsive to local government and potentially could reduce suffering and save dollars. We have coordinated with and have support of the Governor's Office and the Association of Disaster and Emergency Services Coordinators.

Thank you.

EXHIBIT 3

DATE 1-20-95

HB 142

County of Yellowstone

EMERGENCY & GENERAL SERVICES

Box 35004
Billings, MT 59107

(406) 256-2775
Fax (406) 256-2736



DATE: January 19, 1995
TO: Representative Roger Somerville
FROM: James L. Kraft, Director
SUBJ: HB 142, Creating a Disaster & Emergency Fund for Incidents

I have reviewed HB 142 and am a strong PROPONENT of such legislation. There have been many times in my 20 years of experience with the Disaster & Emergency Services (DES) program where I could have used more State DES help. If the State DES had a fund to draw upon to assist us, help would be quicker and the results less disastrous. In my Yellowstone County budget, I have similar authorization to expend funds without approval of the Commissioners. This has been very helpful during the first 12 hours of the emergency.

In an emergency, the legislature should not tie the hands of its responders and responsible agencies by not authorizing them expenditure authority. The very citizens we're serving would think that was ludicrous.

I understand this HB 142 is having its first reading on January 20, 1995. I cannot attend the hearing, but want to go on record as a PROPONENT.

Thank you.

JLK/pf

cc: Jim Greene, Administrator, State DES

EXHIBIT 4
DATE 1-20-95
HB 142

PROPOSED AMENDMENTS
TO
HB 142

1. page 2, line 3 - after "occurrence" insert "beyond the capability of local government to handle"
2. page 6, line 10 - after "." insert "Official response to an incident shall only be upon the request of the local governing body in which the incident is taking place."

The Montana Sheriffs & Peace Officers Association respectfully requests the adoption of the above amendments into HB 142.

/s/



Sheriff, Lewis & Clark Co.
Chairman, Legislative Com.
MSPOA

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Appropriations COMMITTEE BILL NO. NB 142
 DATE 1-20-95 SPONSOR(S) NB 222
NB 224

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Chuck Reilly	MT Sheriff's & Peace officers	142		w/X abundant
JAMES A LOFFTUC	MT FIRE DIST ASSN	142		✓
Bud Schoen	Motor Vehicle Div.	NB 222	neutral	
Jim Green	MT Disaster + Emerg. Services	142		✓
John Allhands	Mzd. Co. DES	142		✓
Doug Booker				
Doug Booker	Military Affairs	142		
Dan Libby	MT Disaster + Emerg. Serv	142		✓
Loren Dethers	Military Affairs	142		✓
Pvt Martinko	First, Wildly & Pales	224	✓	
Cord Hampton	MT County Treasurers	222	✓	
ROGER A HAGAN	ENLISTED + OFFICER ASSOC. OF N. G.	142		w/Answers ✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
 ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on February 3, 1995, at 3:00 p.m.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Edward J. "Ed" Grady, Vice Chairman (Majority) (R)
Rep. Joe Quilici, Vice Chairman (Minority) (D)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger Debruycker (R)
Rep. Gary Feland (R)
Rep. Don Holland (R)
Rep. Royal C. Johnson (R)
Rep. John Johnson (D)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Matt McCann (D)
Rep. William T. "Red" Menahan (D)
Rep. Steve Vick (R)
Rep. William R. Wiseman (R)

Members Excused: Rep. Marjorie I. Fisher (R)

Members Absent: None.

Staff Present: Clayton Schenck, Legislative Fiscal Analyst
Marjorie Peterson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 25, HB 267, HB 317
Executive Action: SB 25 BE CONCURRED IN, HB 142 DO PASS AS
AMENDED, HB 317 TABLED

REP. VICK asked how DFS would handle contacting the families. Mr. Hudson again said the concept has merit but could not compel the families to join any program.

Closing by Sponsor:

REP. HURDLE closed by saying that she realizes all the amendments have confused the intent of the bill. She summarized the conditions of the children of criminals and feels prevention programs are one way to help.

{Tape: 1; Side: B; Approx. Counter: 21.9.}

EXECUTIVE ACTION ON HB 317

REP. KADAS would like to see a revised fiscal note by putting the amendments on the bill and then table the bill so it could be considered with accurate information.

Motion/Vote: REP. KADAS MOVED HB 317 AMENDMENTS DO PASS. Motion carried unanimously.

Motion/Vote: REP. KADAS MOVED HB 317 AS AMENDED BE TABLED. Motion carried unanimously.

{Tape: 1; Side: B; Approx. Counter: 23.2.}

EXECUTIVE ACTION ON HB 142

Motion: REP. GRADY MOVED HB 142 DO PASS.

Discussion: There were amendments offered at the hearing on January 20, 1995, so REP. GRADY withdrew his motion so the amendments could be dealt with first.

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 142 AMENDMENT #1 DO PASS. Motion carried unanimously.

Motion: REP. COBB MOVED HB 142 DO PASS AS AMENDED.

Discussion: There was another amendment which dealt with the statutory appropriation that deals with the Governor's emergency

fund. REP. KADAS thought the appropriation would be counted against the \$2 million in the emergency fund.

Motion/Vote: REP. COBB MOVED HB 142 AMENDMENT #2 DO PASS.
Motion carried unanimously.

Discussion: REP. GRADY explained that the reason for this bill was to give authority to handle disasters as soon as they happen and not have to wait.

Motion/Vote: REP. ROYAL JOHNSON MOVED HB 142 DO PASS AS AMENDED.
Motion carried 13 - 5 with REPS. DEBRUYCKER, KASTEN, VICK, FELAND and ZOOK voting no.

Discussion with Committee

REP. QUILICI said he would offer a motion on HB 29 but wants to find out what the agency thinks about the amendments.

REP. ROYAL JOHNSON said that the subcommittee CHAIRMAN ZOOK appointed to work with REP. EWER on HB 197 had met. They are REPS. WISEMAN, FISHER AND JOHNSON. REP. WISEMAN summarized the amendments that would be available shortly. It seems there are two or three counties in the state in trouble with their investments because the county treasurer mixed county money with school district money. There are different rules for investments. His amendments would restrict a county or school district to invest in direct obligations and limit the investments to five years.

CHAIRMAN ZOOK said they would take no action until the amendments are presented.

HOUSE OF REPRESENTATIVES

Appropriations

ROLL CALL

DATE 2-3-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Tom Zook, Chairman	✓		
Rep. Ed Grady, Vice Chairman, Majority	✓		
Rep. Joe Quilici, Vice Chairman, Minority	✓		
Rep. Beverly Barnhart	✓		
Rep. Ernest Bergsagel	✓		
Rep. John Cobb	✓		
Rep. Roger DeBruycker	✓		
Rep. Gary Feland	✓		
Rep. Marj Fisher			✓
Rep. Don Holland	✓		
Rep. John Johnson	✓		
Rep. Royal Johnson	✓		
Rep. Mike Kadas	✓		
Rep. Betty Lou Kasten	✓		
Rep. Matt McCann	✓		
Rep. Red Menahan	✓		
Rep. Steve Vick	✓		
Rep. Bill Wiseman	✓		



HOUSE STANDING COMMITTEE REPORT

February 6, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that **House Bill 142** (first reading copy -- white) **do pass as amended.**

Signed: _____

Tom Zook
Tom Zook, Chair

And, that such amendments read:

1. Title, line 8.

Following: "10-3-305,"

Insert: "10-3-312,"

2. Page 2, line 4.

Following: "L"

Insert: "that is beyond the capability of local government to adequately respond, thus"

3. Page 6.

Following: line 5

Insert: "Section 7. Section 10-3-312, MCA, is amended to read:

"10-3-312. **Maximum expenditure by governor -- appropriation.** (1) (a) Whenever an emergency or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$2 million in any biennium, minus any amount appropriated pursuant to [section 8] in the same biennium.

(b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to exceed \$3 million in any biennium. The amount appropriated in this subsection (b) may be combined with the amount

Committee Vote:

Yes 12, No 5.

311038SC.Hbk

appropriated in subsection (1)(a) for an emergency or disaster due to fire.

(2) In the event of the recovery of money expended under this section, the spending authority must be reinstated to a level reflecting the recovery.

(3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the office of the governor, as provided in 17-7-502, and ~~he~~ the governor is authorized to expend from the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the individual and family grant programs as provided in 42 U.S.C. 5178."

Renumber: subsequent sections

4. Page 6, line 10.

Following: "."

Insert: "Official response to an incident may only be upon the request of the local governing body."

5. Page 7, line 7.

Strike: "7"

Insert: "8"

6. Page 7, lines 28 and 30.

Strike: "7"

Insert: "8"

-END-

MINUTES

MONTANA SENATE 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By **SENATOR GARY AKLESTAD, CHAIRMAN**, on Tuesday,
February 28, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. Gary C. Aklestad, Chairman (R)
Sen. Thomas F. Keating, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. James H. "Jim" Burnett (R)
Sen. Loren Jenkins (R)
Sen. Ethel M. Harding (R)
Sen. Arnie A. Mohl (R)
Sen. Charles "Chuck" Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry J. Tveit (R)
Sen. B.F. "Chris" Christiaens (D)
Sen. Eve Franklin (D)
Sen. Judy H. Jacobson (D)
Sen. Greg Jergeson (D)
Sen. John "J.D." Lynch (D)
Sen. Mignon Waterman (D)

Members Excused: None

Members Absent: None

Staff Present: Taryn Purdy, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 142, HB 354
Executive Action: HB 104 - BE CONCURRED IN

HEARING ON HOUSE BILL 142

Opening Statement by Sponsor:

REPRESENTATIVE ROGER SOMERVILLE, District 78, Kalispell, sponsor,
said HB 142 is intended to add the word "incident" to the current
Disaster and Emergency Services law. The bill would allow
speedier response to local incidents, which could minimize

further escalation so that incidents do not become disasters or emergencies.

REPRESENTATIVE SOMERVILLE presented written testimony in support of HB 142 from James L. Kraft, Director of Yellowstone County Emergency and General Services. EXHIBIT 1

REPRESENTATIVE SOMERVILLE presented and explained an amendment to HB 142. EXHIBIT 2

Proponents' Testimony:

Dan Lieberg, Administrative Officer for the Disaster and Emergency Services (DES), Department of Military Affairs, said the bill would allow the state to move more rapidly in assisting with an assessment of a local emergency at the request of local government. It gives the Governor authority to predelegate and preauthorize the Department of Military Affairs, Disaster and Emergency Services Division, to respond to committing up to \$10,000 per incident or \$100,000 per biennium of the Governor's existing \$2 million authority. He said the results of a quick response are the reduction of lives lost, reduction of property or environmental damage and savings of dollars to the taxpayers.

Gil Gilbertson, past Administrator for DES, testifying in support of HB 142, said it gives DES the ability to respond in a speedier, more cost efficient manner.

Chuck O'Reilly, Sheriff of Lewis and Clark County, and a member of the Board of Directors of the Montana Sheriff's and Peace Officers Association, indicated that the Association supports the bill. He said he could testify personally to the need of HB 142 as in one incident, he was trying to obtain another SWAT team and additional radios, but was not able to get them because there was nothing in the law that authorized the state to respond to help. HB 142 would accomplish that.

James Lofftus, President of Montana Fire District Association, rose in support of the bill for the reasons that were mentioned.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

SENATOR SWYSGOOD questioned what would happen if the dollar amount was reached.

Mr. Lieberg said based on past experiences, they have not incurred that many types of incidents during any one period and have been able to respond to most incidents with existing resources. However, with the expanding population and environmental needs, they see a need to more quickly respond to

incidents. If it looks like they will require more resources in the future, they would have to come before the Legislature.

SENATOR SWYSGOOD said the money would come out of the \$2 million that is appropriated to the Governor for emergency situations, and he questioned why there is a cap on what he can expend.

Dan Lieberg said the mechanism for declaring a disaster or emergency is more involved than being able to call and send someone out. They have to do a damage assessment and the county has to levy 2 mills to show commitment to the incident. With the \$10,000 authority, they can do that.

When concern was voiced by **SENATOR SWYSGOOD** as to how SB 83 related to this statutory appropriation, **Taryn Purdy, LFA**, said it did not impact this bill.

In questioning from **SENATOR KEATING** if this was part of the Governor's \$2 million contingency fund and if the contingency fund was a statutory appropriation, **Taryn Purdy** said the \$2 million is a specific statutory appropriation for a specific purpose in declaring a disaster. She said she would have to check on the contingency fund.

SENATOR KEATING questioned if this set up a different statutory appropriation since it was for \$100,000.

Taryn Purdy said it does, but any that they spend reduces the \$2 million available to the Governor from the other account.

SENATOR JENKINS questioned lines 6, 7 and 8 on page 2 of the bill concerning "imminent threat of an emergency".

REPRESENTATIVE SOMERVILLE said it goes back to the hazardous materials bill; if something is not done right away, it can develop into a major emergency, or it is a small enough incident that would not be declared an emergency. In questioning from **SENATOR JENKINS** as to how many incidents there are in a year, he said last year there were 273 incidents and of that, 200 were hazardous materials.

When questioned by **SENATOR JENKINS** as to the average cost for clean-up, **Mr. Lieberg** said they do not have figures for the average cost. They coordinate people to give advice or send a technical expert to help with it, and that includes transportation costs, per diem and any other expenses that might occur. Relative to the discussion on an imminent threat, if a tanker truck is overturned but is not leaking, that would be an imminent threat to the populous. Giving advice on how to keep it from leaking or getting the truck upright is what they want to do.

SENATOR JENKINS asked if this bill related to the actual cleanup cost and not just the personnel to do it.

Mr. Lieberg said it was the response cost. The counties would be in charge of the incident, but an advisor would be sent to that county to advise them on how to do it safely.

In questioning from SENATOR JENKINS if the money was going to the counties to help pay for cleanup or if it was going to the advisors, Mr. Lieberg said it was for the advisors. He said if a tanker truck has a hazardous spill, the tanker is responsible for cleanup costs. In answer to SENATOR JENKINS' question concerning the county's 2 mills, Mr. Lieberg said the only time the 2 mills would be affected is if the local jurisdiction elects to levy 2 mills to respond to an incident. If they do expend the 2 mills and it looks like it will go over that, they can request assistance from the Governor's Disaster Fund.

Closing by Sponsor:

REPRESENTATIVE SOMERVILLE closed on HB 142, stating that the bill will help DES respond quickly to the local county governments and assist in handling any type of emergency or disaster. He explained that if an incident was declared a disaster and there was the assistance of federal funds, some of the money could be recovered and would reduce the amount spent out of the \$10,000 limit.

HEARING ON HOUSE BILL 354

Opening Statement by Sponsor:

REPRESENTATIVE NORM MILLS, House District 19, Billings, sponsor, presented exhibits in support of HB 354. EXHIBITS 3, 4 and 5 He explained the studies were prepared by an outside group and didn't cost the state of Montana any money.

Proponents' Testimony:

Duane Kurokawa, Chairman, State Microbusiness Advisory Council, said the council is made up of 13 members across the state representing various backgrounds and diverse geological locations. They were instrumental in helping the department create the administrative rules, review quarterly reports and work closely with the MBDC network. They recently received two grants which will be providing technical assistance to the 12 regions and also cover the seven reservations in Montana.

Dolph Harris, Microbusiness Advisory Council member from Sidney, testified in support of HB 354. He presented a video detailing some of the success stories as a result of loans from the Microbusiness Council.

(AT THIS POINT IN THE COMMITTEE MEETING, THE VIDEO "MICROBUSINESS PRESENTS" WAS SHOWN TO THE COMMITTEE)

MONTANA SENATE
1995 LEGISLATURE
FINANCE AND CLAIMS COMMITTEE

ROLL CALL

DATE

2/28/95

NAME	PRESENT	ABSENT	EXCUSED
SWYSGOOD, CHUCK	✓		
BURNETT, JIM	✓		
MOHL, ARNIE	✓		
JERGESON, GREG	✓		
FRANKLIN, EVE	✓		
TVEIT, LARRY	✓		
JENKINS, LOREN	✓		
JACOBSON, JUDY	✓		
LYNCH, J.D.	✓		
HARDING, ETHEL	✓		
TOEWS, DARYL	✓		
CHRISTIAENS, B.F. "CHRIS"	✓		
WATERMAN, MIGNON	✓		
KEATING, TOM - VICE CHAIRMAN	✓		
BECK, TOM	✓		
AKLESTAD, GARY - CHAIRMAN	✓		

SEN:1995

wp.rollcall.man

County of Yellowstone

EMERGENCY & GENERAL SERVICES

Box 35004
Billings, MT 59107

(406) 256-2775
Fax (406) 256-2736



SENATE FINANCE AND CLAIMS

EXHIBIT NO.

DATE

BILL NO.

DATE: January 19, 1995

TO: Representative Roger Somerville

FROM: James L. Kraft, Director

SUBJ: HB 142, Creating a Disaster & Emergency Fund for Incidents

I have reviewed HB 142 and am a strong PROPONENT of such legislation. There have been many times in my 20 years of experience with the Disaster & Emergency Services (DES) program where I could have used more State DES help. If the State DES had a fund to draw upon to assist us, help would be quicker and the results less disastrous. In my Yellowstone County budget, I have similar authorization to expend funds without approval of the Commissioners. This has been very helpful during the first 12 hours of the emergency.

In an emergency, the legislature should not tie the hands of its responders and responsible agencies by not authorizing them expenditure authority. The very citizens we're serving would think that was ludicrous.

I understand this HB 142 is having its first reading on January 20, 1995. I cannot attend the hearing, but want to go on record as a PROPONENT.

Thank you.

JLK/pf

cc: Jim Greene, Administrator, State DES

Amendments to House Bill No. 142
Third Reading Copy

SENATE FINANCE AND CLAIMS

EXHIBIT NO.

DATE

BILL NO.

2/28/95
HB 142

For the Committee on Senate Finance and Claims

Prepared by Clayton Schenck
February 8, 1995

1. Page 2, lines 4 and 5.

Following: "phenomena,"

Strike: the remainder of line 4 through THUS on line 5.

2. Page 6, line 27.

Following: "order"

Insert: "upon request of the local governing body or its authorized agent"

3. Page 6, lines 29 and 30.

Following: "."

Strike: the remainder of line 29 through line 30 in its entirety.

{Office of Legislative Fiscal Analyst

444-2986}

DATE February 28, 1995

SENATE COMMITTEE ON Finance and Claims

BILLS BEING HEARD TODAY: HB 142 Rep. Somerville
HB 354 Rep. Mills

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Kelly FLAHERTY	MT. Women's Capital Fund	HB 354	☒	☐
Duane Kurokawa	Micro Advising Council	HB 354	☒	☐
Dolph Hawes	- - -	HB 354	☒	☐
Don Gibson	MT Disast. Relief	HB 142	☒	☐
Bill Gilbertson		HB 142	☒	☐
Norm Mills	Hawes	HB 354	☒	☐
Terry Richter	Kalispell	HB 354	☒	☐
DAVID BOND	Kalispell/WF	HB 354	☒	☐
JAMES A. LAFFTOS	MT FIRE DIST ASSN	HB 142	☒	☐
Chuck O'Reilly	Int. Shopper's Assoc	HB 142	☒	☐
Bob Backlund	Micro Adv Council	HB 354	☒	☐
Kate Cholewa	MT Women's Lobby	HB 354	☒	☐
ROGER A. HOGAN	OFFICER & ENLISTED ASSOCIATION	HB 142	☒	☐
Linda Reed	Gov's office	HB 354	☐	☐

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 2/28/95

SENATE COMMITTEE ON

BILLS BEING HEARD TODAY:

HB 142
HB 354

 $\angle$ $\square$ $\angle$

PLEASE PRINT

 $\angle$  $\angle$ [illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By SENATOR GARY AKLESTAD, CHAIRMAN, on Thursday,
March 2, 1995, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. Gary C. Aklestad, Chairman (R)
Sen. Thomas F. Keating, Vice Chairman (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. James H. "Jim" Burnett (R)
Sen. Loren Jenkins (R)
Sen. Ethel M. Harding (R)
Sen. Arnie A. Mohl (R)
Sen. Charles "Chuck" Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry J. Tveit (R)
Sen. B.F. "Chris" Christiaens (D)
Sen. Judy H. Jacobson (D)
Sen. John "J.D." Lynch (D)
Sen. Mignon Waterman (D)

Members Excused: Senator Jergeson, Senator Franklin

Members Absent: None

Staff Present: Taryn Purdy, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 416, HB 420
Executive Action: HB 142 - AS AMENDED BE CONCURRED IN

HEARING ON HOUSE BILL 420

Opening Statement by Sponsor:

REPRESENTATIVE DAVID EWER, House District 53, Helena, sponsor,
said HB 420, a clean up bill, revises the bonding statutes in
Titles 7 and 20, with changes for counties, cities and school
districts. Some of the changes will save local governments
thousands of dollars. He commented that some statutes have been
on the books since the 1930's.

Closing by Sponsor:

SENATOR SWYSGOOD closed on SB 416. He said he had similar concerns as SENATOR LYNCH when it was discussed in subcommittee. He said the program is not being funded to the area it is effective. The fiscal note shows there is the potential that if this is not funded, it would have a \$12 million to \$14 million impact on Medicaid, and he commented there is a potential for that to happen. He is not sure the figures on the fiscal note are right; they could be higher or they could be lower. Looking at the rising costs associated with Medicaid and the strain it is putting on everything, including the state revenue sources, he is not sure he is willing to risk that happening. He was told it would take \$240,000 to do the job right which he would argue for, but if the Legislature feels they don't want to do that, then the results could be what Dr. Blouke says. The budget is driving Montana and other states to the brink of not being able to afford the costs associated with it. He concluded that SB 416 is another tool to help contain costs associated with long term care; it is a workable plan, and the money is necessary to assure it.

EXECUTIVE ACTION ON HOUSE BILL 142

Discussion: SENATOR LYNCH said he was looking for a way to reduce the impact that will occur in Great Falls as a result of the Malmstrom Air Base closure. Cascade County is going to experience a devastating effect with the loss of many jobs. He wondered if executive action on HB 142 could be delayed until they could consider an attempt to get some type of emergency funding from this bill to help Cascade County.

SENATOR MOHL said he didn't think HB 142 was the bill to do that. Since the closure hasn't happened yet, our congress people should be contacted in an attempt to prevent it from happening.

SENATOR WATERMAN wondered if it could be done through the budget process for retraining workers.

Motion: SENATOR WATERMAN MOVED TO AMEND HB 142. EXHIBIT 4

Discussion: Taryn Purdy explained the amendment would clean up the language on when the money can be requested and who could request it.

SENATOR AKLESTAD explained that local communities are authorized to request \$10,000 and there is a \$100,000 cap. Those dollars would come from the first \$2 million that is allocated to the Governor for emergency efforts, and would reduce the \$2 million by \$100,000.

Vote: SENATOR WATERMAN'S amendment motion CARRIED UNANIMOUSLY.

Motion/Vote: SENATOR MOHL MOVED HB 142 AS AMENDED BE CONCURRED IN. Motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HOUSE BILL 420

Motion: SENATOR WATERMAN MOVED HB 420 BE CONCURRED IN.

Discussion: SENATOR AKLESTAD voiced his concern on page 1 where a special deposit was given to a local health board rather than the money going into the general fund.

SENATOR SWYSGOOD said he didn't know the kind of money they are taking about as to how it would impact the general fund of the local government. He felt it was a policy decision the legislature would have to make.

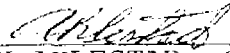
SENATOR AKLESTAD said it sounded like one individual would be directly effected with this positively and he questioned if the legislature should statutorily go along with it when it could affect other governing bodies in a negative way and also if the legislature should set a precedent.

Vote: SENATOR WATERMAN'S Motion FAILED on a tie roll call vote.

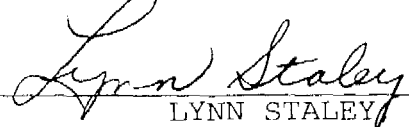
CHAIRMAN AKLESTAD explained that HB 420 currently is in a failed position, and they would have a motion to reconsider action at a later meeting.

ADJOURNMENT

Adjournment: 9:25 a.m.



SENATOR GARY AKLESTAD, Chairman



LYNN STALEY, Secretary

GA/lis

TEE
3/2/95

DATE _____

SEN:1995
wp.rollcall.man

Amendments to House Bill No. 142
Third Reading Copy

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 4
DATE 3/2/95
BILL NO. HB 142

For the Committee on Senate Finance and Claims

Prepared by Clayton Schenck
February 8, 1995

1. Page 2, lines 4 and 5.
Following: "phenomena,"
Strike: the remainder of line 4 through THUS on line 5.
2. Page 6, line 27.
Following: "order"
Insert: "upon request of the local governing body or its authorized agent"
3. Page 6, lines 29 and 30.
Following: "."
Strike: the remainder of line 29 through line 30 in its entirety.

{Office of Legislative Fiscal Analyst

444-2986}

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 2, 1995

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration HB 142 (third reading copy -- blue), respectfully report that HB 142 be amended as follows and as so amended be concurred in.

Signed: 
Senator Gary Aklestad, Chair

That such amendments read:

1. Page 2, lines 4 and 5.

Following: "phenomena,"

Strike: the remainder of line 4 through "THUS" on line 5

2. Page 6, line 27.

Following: "order"

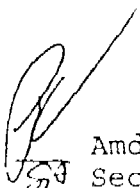
Insert: "upon request of the local governing body or its
authorized agent"

3. Page 6, lines 29 and 30.

Following: "." on line 29

Strike: the remainder of line 29 and line 30 in its entirety

-END-


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

491344SC.SPV

HOUSE BILL NO. 142

INTRODUCED BY SOMERVILLE

BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RESPONSE TO INCIDENTS BY DISASTER AND EMERGENCY SERVICES PERSONNEL; DEFINING "INCIDENT"; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE DEPARTMENT OF MILITARY AFFAIRS TO ADOPT RULES; AND AMENDING SECTIONS 10-3-103, 10-3-104, 10-3-105, 10-3-111, 10-3-301, 10-3-305, 10-3-312, AND 17-7-502, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 10-3-103, MCA, is amended to read:

"10-3-103. Definitions. As used in parts 1 through 4 of this chapter, the following definitions apply:

(1) "Civil defense" means the nuclear preparedness functions and responsibilities of disaster and emergency services.

(2) "Department" means the department of military affairs.

(3) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including tornadoes, windstorms, snowstorms, wind-driven water, high water, floods, wave action, earthquakes, landslides, mudslides, volcanic action, fires, explosions, ~~or~~ air or water contamination requiring emergency action to avert danger or damage, blight, droughts, infestations, riots, sabotage, hostile military or paramilitary action, disruption of state services, or accidents involving radiation byproducts or other hazardous materials.

(4) "Disaster and emergency services" means the preparation for and the carrying out of disaster and emergency functions and responsibilities, other than those for which military forces or other state or federal agencies are primarily responsible, to mitigate, prepare for, respond to, and recover from injury and damage resulting from emergencies or disasters.

(5) "Division" means the division of disaster and emergency services of the department of military affairs.

(6) "Emergency" means the imminent threat of a disaster causing immediate peril to life or property ~~which that~~ timely action can avert or minimize.

(7) "Incident" means an event or occurrence, caused by either an individual or by natural phenomena, ~~THAT IS BEYOND THE CAPABILITY OF LOCAL GOVERNMENT TO ADEQUATELY RESPOND,~~ ~~THUS~~ requiring action by disaster and emergency services personnel to prevent or minimize loss of life or damage to property or natural resources. The term includes the imminent threat of an emergency, but the term does not include a state of emergency or disaster declared by the governor pursuant to 10-3-302 or 10-3-303.

~~(7)~~(8) "Political subdivision" means any county, city, town, or other legally constituted unit of local government in this state.

~~(8)~~(9) "Principal executive officer" means the mayor, ~~chairman~~ presiding officer of the county commissioners, or other chief executive officer of a political subdivision.

~~(9)~~(10) "Temporary housing" means unoccupied habitable dwellings, suitable rental housing, mobile homes, or other readily fabricated dwellings."

Section 2. Section 10-3-104, MCA, is amended to read:

"10-3-104. General authority of the governor. (1) The governor is responsible for carrying out parts 1 through 4 of this chapter.

(2) In addition to any other powers conferred upon the governor by law, ~~he~~ the governor may:

(a) suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or orders or rules of any state agency if the strict compliance with the provisions of any statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster;

(b) direct and compel the evacuation of all or part of the population from an emergency or disaster area within the state if ~~he~~ the governor considers this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(c) control ingress and egress to and from an incident or emergency or disaster area, the movement of persons within the area, and the occupancy of premises ~~therein~~ within the area.

(3) Under this section, the governor may issue executive orders, proclamations, and regulations and amend and rescind them. All executive orders or proclamations declaring or terminating a state of



1 emergency or disaster ~~shall~~ must indicate the nature of the emergency or disaster, the area threatened, and
2 the conditions ~~which~~ that have brought about the declaration or ~~which~~ that make possible termination of
3 the state of emergency or disaster."

4
5 **Section 3.** Section 10-3-105, MCA, is amended to read:

6 **"10-3-105. Division of disaster and emergency services -- duties.** (1) A division of disaster and
7 emergency services is established in the department ~~of military affairs~~. The division ~~shall~~ must have an
8 administrator and other professional, technical, secretarial, and clerical employees as necessary for the
9 performance of its functions.

10 (2) The department ~~of military affairs~~ through the division of disaster and emergency services is
11 responsible to the governor for carrying out the planning and program for disaster and emergency services
12 of this state.

13 (3) The division shall prepare and maintain a comprehensive plan and program for disaster and
14 emergency services of this state. The plan and program ~~shall~~ must be coordinated with the disaster and
15 emergency plans and programs of the federal government, other states, political subdivisions, and Canada
16 to the fullest extent possible.

17 (4) The division shall:

18 (a) coordinate the preparation of the plan and program for disaster and emergency services with
19 the political subdivisions of this state;

20 (b) coordinate disaster and emergency prevention and preparation activities of all departments,
21 agencies, and organizations within the state;

22 (c) advise and assist the political subdivisions of this state in executing their disaster and
23 emergency services responsibilities;

24 (d) make recommendations on the formation of interjurisdictional disaster and emergency services
25 areas when individual political subdivisions are unable to fully and adequately mount an effective local
26 program ~~due to~~ because of limitations of funding, ~~manpower~~ personnel, or other reasons;

27 (e) make surveys of industries, resources, and facilities within the state, both public and private,
28 as are necessary to carry out the purposes of parts 1 through 4 of this chapter;

29 (f) periodically review local and interjurisdictional plans and programs for disaster and emergency
30 services;

(g) develop or assist in the development of mutual aid plans and agreements between the federal government, other states, and Canada and among the political subdivisions of this state;

(h) plan and make arrangements for the availability and use of any private facilities, services, and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon;

(i) institute training and public information programs and take all other preparatory steps, including the partial or full mobilization of disaster and emergency services organizations in advance of an actual incident, emergency, or disaster, to ~~insure~~ ensure the availability of adequately trained and equipped personnel in time of an incident, emergency, or disaster;

(j) direct emergency response and disaster preparation activities as authorized by the governor;

(k) direct disaster response and recovery activities as authorized by the governor;

(l) prepare, for issuance by the governor, executive orders or proclamations as necessary or appropriate in coping with incidents, emergencies, and disasters;

(m) maintain liaison with and cooperate with disaster and emergency services agencies and organizations of the federal government, other states, and Canada in achieving any purpose of parts 1 through 4 of this chapter and in implementing programs for disaster prevention, preparation, response, and recovery; and

(n) ~~have~~ assume any additional authority, duties, and responsibilities authorized by parts 1 through 4 of this chapter as may be prescribed by the governor."

Section 4. Section 10-3-111, MCA, is amended to read:

"10-3-111. Personnel immune from liability. (1) Neither the state nor any political subdivision of the state nor the agents or representatives of the state or any political subdivision ~~thereof~~ of the state are liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker or member of any agency engaged in civilian defense activity during a an incident, disaster, or ~~catastrophe~~ emergency. This section does not affect the right of any person to receive benefits or compensation to which ~~he~~ the person might otherwise be entitled under the workers' compensation law or any pension law or any act of congress.

(2) Neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any

1 political subdivision ~~thereof~~ of the state nor any volunteer or auxiliary civilian defense worker or member
2 of any agency engaged in civilian defense activity during a an incident, disaster, or ~~catastrophe~~ emergency,
3 nor the owners of facilities used for civil defense shelters, pursuant to a fallout shelter license or privilege
4 agreement and while complying with or reasonably attempting to comply with parts 1 through 4 of this
5 chapter or any order or rule promulgated under the provisions of parts 1 through 4 of this chapter or
6 pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political
7 subdivisions of the state, are liable for the death of or injury to persons or for damage to property as a
8 result of any such activity."

9
10 **Section 5.** Section 10-3-301, MCA, is amended to read:

11 **"10-3-301. State disaster and emergency plan.** (1) The state disaster and emergency plan and
12 program may provide for:

- 13 (a) prevention and minimization of injury and damage caused by disaster;
- 14 (b) prompt and efficient response to an incident, emergency, or disaster;
- 15 (c) emergency relief;
- 16 (d) identification of areas particularly vulnerable to disasters;
- 17 (e) recommendations for preventive and preparedness measures designed to eliminate or reduce
18 disasters or their impact;
- 19 (f) organization of ~~manpower~~ personnel and chains of command;
- 20 (g) coordination of federal, state, and local disaster and emergency activities; and
- 21 (h) other necessary matters.

22 (2) In preparing and maintaining the state disaster and emergency plan and program, the division
23 may seek the advice and assistance of local government, business, labor, industry, agriculture, civic and
24 volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the
25 division may encourage them to seek advice from these sources."

26
27 **Section 6.** Section 10-3-305, MCA, is amended to read:

28 **"10-3-305. Governor commander-in-chief -- duties.** (1) During an incident and during a state of
29 emergency or disaster, the governor is commander-in-chief of the militia and of all other forces available
30 for incident, emergency, or disaster duty. To the greatest extent possible, the governor shall delegate or

1 assign command authority by prior arrangement embodied in the state disaster and emergency plan and
2 program and appropriate executive orders.

3 (2) The governor shall ~~utilize~~ use the services and facilities of the existing officers and agencies
4 of the state, and all officers and agencies shall cooperate with and extend their services and facilities to
5 the governor as ~~he~~ the governor may request in the carrying out of the purposes of parts 1 through 4 of
6 this chapter."

7
8 **SECTION 7. SECTION 10-3-312, MCA, IS AMENDED TO READ:**

9 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) (a) Whenever an emergency
10 or disaster is declared by the governor, there is statutorily appropriated to the office of the governor, as
11 provided in 17-7-502, and the governor is authorized to expend from the general fund, an amount not to
12 exceed \$2 million in any biennium, minus any amount appropriated pursuant to [section 8] in the same
13 biennium.

14 (b) Whenever an emergency or disaster due to fire is declared by the governor, there is statutorily
15 appropriated to the office of the governor, as provided in 17-7-502, and the governor is authorized to
16 expend from the general fund, an amount not to exceed \$3 million in any biennium. The amount
17 appropriated in this subsection (b) may be combined with the amount appropriated in subsection (1)(a) for
18 an emergency or disaster due to fire.

19 (2) In the event of the recovery of money expended under this section, the spending authority must
20 be reinstated to a level reflecting the recovery.

21 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated
22 to the office of the governor, as provided in 17-7-502, and ~~he~~ the governor is authorized to expend from
23 the general fund, an amount not to exceed \$500,000 during the biennium to meet the state's share of the
24 individual and family grant programs as provided in 42 U.S.C. 5178."

25
26 **NEW SECTION. Section 8. Incident response -- authority -- appropriation -- expenditures --**
27 **recovery -- rules.** (1) The governor may by executive order UPON REQUEST OF THE LOCAL GOVERNING
28 BODY OR ITS AUTHORIZED AGENT activate that part of the state disaster and emergency plan pertaining
29 to incident response. The order may be issued for any year, for any part of a year, or upon occurrence of
30 an incident. OFFICIAL RESPONSE TO AN INCIDENT MAY ONLY BE UPON THE REQUEST OF THE LOCAL

1 GOVERNING BODY.

2 (2) Upon approval of an executive order pursuant to this section:

3 (a) that part of the state disaster and emergency plan pertaining to incidents becomes effective;

4 (b) the division may use any of the resources usable by the division during a state of emergency
5 or disaster to respond to the incident; and

6 (c) there is statutorily appropriated, as provided in 17-7-502, to the office of the governor, and the
7 governor is authorized to expend from the general fund an amount not to exceed \$10,000 per incident and
8 not to exceed \$100,000 for incidents in a biennium.

9 (3) The governor may authorize the incurring of liabilities and expenses to be paid as other claims
10 against the state from the general fund, in the amount necessary, upon activation of the incident response
11 portion of the state disaster and emergency plan. Money appropriated by this section may be used only
12 for incident response costs of the state and may not be used to reimburse a local government for incident
13 response costs incurred by that local government.

14 (4) In the event of recovery of money expended pursuant to this section, the spending authority
15 must be reinstated to the level reflecting the recovery.

16 (5) The department may adopt rules to implement this section.

17
18 **Section 9.** Section 17-7-502, MCA, is amended to read:

19 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
21 without the need for a biennial legislative appropriation or budget amendment.

22 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply
23 with both of the following provisions:

24 (a) The law containing the statutory authority must be listed in subsection (3).

25 (b) The law or portion of the law making a statutory appropriation must specifically state that a
26 statutory appropriation is made as provided in this section.

27 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
28 2-18-812; 3-5-901; 5-13-403; 10-3-203; [section 7 8]; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
29 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
30 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;

1 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
2 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
3 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
4 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
5 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
6 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
7 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
8 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

9 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
10 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
11 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
12 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
13 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
14 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
15 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
16 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
17 July 1, 1995.)"

18

19 NEW SECTION. **Section 10. Codification instruction.** [Section ~~7~~ 8] is intended to be codified as
20 an integral part of Title 10, chapter 3, part 3, and the provisions of Title 10, chapter 3, part 3, apply to
21 [section ~~7~~ 8].

22

-END-